

## **REQUEST FOR RECONSIDERATION**

By the Office's July 31, 2007 Action, the matter was placed under final rejection. Applicant disagrees with the propriety of the pending action. Specifically, the Office cited United States Patent Application Publication Number 20020143584 naming Lundegren, M. (hereinafter, "Lundegren"), for the first time, in its rejection under 35 U.S.C. § 103(a) and 35 U.S.C. §102(e) of several of the pending claims. While Applicant previously amended some of the claims, the Office failed to indicate how the application of new art was necessitated by the Applicant previous amendment. The *previous amendment* did not necessitate the implication of new art as the amended material would have been within the scope of the original search in the as filed claims. In light of the foregoing, the Finality of the pending rejection should be removed. As the Manual of Patent Examining Procedure notes:

Under present practice, second or any subsequent actions on the merits shall be final, *except* where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). ...Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will *not be made final if it includes a rejection, on newly cited art*, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art. *M.P.E.P. §706.07(a) emphasis added.*

Therefore, Applicants believe that the finality of the pending rejections is improper. In addition, if the finality of the pending Action were to be maintained, this would place an undue burden on Applicant. Removal of the finality of the pending action is respectfully requested and entry of the pending amendment is respectfully requested.

### **REMARKS**

Claims 1-27 are pending examination. By this paper, Claims 1, 8 and 15 are amended. Claims 23-27 are new. Applicant respectfully requests reconsideration in light of the pending amendment and remarks that follow. Support for the amendment may be found throughout the specification and drawings as filed. In particular, support may be, at least, found at paragraphs [0021]-[0023], [0025] and [0050].

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication Number to 2002/0143584 naming Lundegren, M. (hereinafter, “Lundegrenn”). Applicant respectfully traverses the rejection. The pending rejection is believed to be moot in light of the attached amendment. Reconsideration an allowance of the pending claims is respectfully requested.

In particular, neither the cited art, nor any of the art of record discloses (at least) a “customer account having access to internal records associated with the

customer account.” The art of record fails to disclose giving “access to internal records” as well as other features as recited in **independent Claim 1**.

Similarly, with respect to **independent Claim 8**, the art of record fails to disclose (at least) “a customer account housed on the server, the customer account being configured to permit access to individual record associated with the customer account, the customer account including means for configuring the server to perform a process associated with the customer account.” In order for a *prima facie* case of anticipation to exist all the features recited in the claim must be taught.

The pending rejection of **independent Claim 15**, is also improper as Claim 15, in part, recites, “accessing an existing customer account, including internal records of the business, on a server used by the business, wherein the business is a reinsurer and the customer is an insurer.” The art of record does not disclose at least this feature. In particular, none of the art of record discloses accessing “an existing customer account”. The reference discloses a bidding process rather than an existing relationship.

As the remaining claims depend from one of the above mentioned claims, the rejection of each of the dependent claims is respectfully requested for at least the above reasons. For at least the foregoing reasons, the pending rejection of Claims 1-20 is improper. Removal of the pending rejection is requested and allowance is solicited.

### **Claim Rejections under 35 U.S.C. § 103(a)**

Claim 21 stands rejected as obvious over Lundgren in view of “Official Notice”. Applicant traverses the pending rejection for at least the following reasons. Claim 21 is believed to be allowable as depending from Claim 1, which is believed to be in a condition for allowance.

First, the Office has failed to establish why one of ordinary skill in the art at the time of the invention would have been motivated to modify Lundgren with the contented knowledge. While the Supreme Court’s recent decision in the KSR case provides greater latitude to the Office, the Office must still present reasoning which would indicate that one would have made the contended substitution.

The Office’s position fails provide an explanation as how one of skill in the art, at the relevant time, would have known of the contented teaching within the knowledge of one of ordinary skill in the art.

For at least the foregoing reasons, the pending rejection of Claim 21 is improper. Removal of the pending rejection is requested and allowance is solicited.

Claim 22 stands rejected as obvious over Lundgren in view of United State Patent Publication Number 2001/0056396 naming Goino, T. (hereinafter, “Goino”). Applicant traverses the pending rejection for at least the following reasons.

The rejection is believed to be improper as Claim 22 depends from Claim 1, which is believed to be in a condition for allowance. The rejection of Claim 22 is

improper as the combination of Lundegren/Goino fails to teach or suggest all the features of Claim 22. For at least the foregoing reasons, the pending rejection is improper. Removal of the pending rejection is requested and allowance is solicited.

New Claims 23-27, while not pending a rejection under 35 U.S.C. § 103(a) or 35 U.S.C. §102(e), would be, at least, allowable based on the claim's dependency from Claims 8 and 24 which are believed to be a condition for allowance. Thus, any attempt to assert the above rejections to Claims 23-27 would be improper. Moreover, as the pending Action appears to be an improper Final Action any attempt to make the subsequent action final is believed to be improper. In light of the foregoing, allowance of Claims 23-27 is solicited.

### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowance be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: February 11, 2008

By: /Tim R. Wyckoff/

Tim R. Wyckoff  
Reg. No. 46,175  
Email: [wyclaw@mac.com](mailto:wyclaw@mac.com)